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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,546	10/22/2001	Hidetaka Magoshi	SCEIYO 3.0-085	1338
530	7590	01/25/2005	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			TRAN, PHUOC	
			ART UNIT	PAPER NUMBER
			2621	

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/039,546	Applicant(s) MAGOSHI ET AL.	
	Examiner Phuoc Tran	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 12-17, 24-29 and 36 is/are rejected.
- 7) ☒ Claim(s) 6-11, 18-23 and 30-35 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2; 5, 12-13-14, 17, 24-26, 29, 36-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Boguraev.

As to claim 1, Boguraev discloses a database creation method, comprising: extracting character information from source information (col. 12, lines 33-63; i.e., ASCII characters are extracted); extracting word information from the character information (col. 15, lines 10-19; col. 39, lines 42-48; i.e., each word of the ASCII text is extracted and analyzed); and creating a database based on the word information (col. 4, lines 55-57; col. 5, lines 46-55; col. 64, lines 16-55).

As to claim 2, Boguraev teaches retrieving, as the source information, at least one of a page which is retrieved on a predetermined communication network and a page which is browsed thereon (col. 7, lines 35-67).

As to claim 5, Boguraev teaches retrieving a data file which has been stored in a storage device or a recording medium as the source information (col. 7, lines 51-56).

As to claim 12, Boguraev teaches associating reading of the extracted word information and the word information with each other to create the database (col. 57, lines 14-60; i.e., words or phrase are extract and used in a domain catalog).

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Claims 13, 14, 17, 24 are simply directed to an apparatus corresponding to the method of claims 1, 2, 5, 12. They recite similar limitations of claims 1, 2, 5, 12; therefore, they are rejected for the same reasons applied to claims 1, 2, 5, 12.

Similarly, claims 25, 26, 29, 36, 37 are simply directed to a software implementation of claims 1, 2, 5, 12. Such software implementation is inherently included in Boguraev's system (Fig. 2).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 15, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boguraev in view of Nishino et al.

Boguraev does not mention using electronic mail information as source information. Nishino et al teaches that it is well-known in the art to use electronic mail information as a source information (Fig. 3; col. 3, lines 12-24). Boguraev suggests at column 7, lines 51-53 that any textual documents can be used as source information. Therefore, it would have been obvious to one of ordinary skill in the art to add electronic mail information as source information as taught by Nishino et al in Boguraev since it would provide an additional source information to Boguraev's system, thereby, improving Boguraev's system.

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5. Claims 4, 16, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boguraev in view of Chong et al.

Boguraev does not mention using a character recognition. Chong et al teach that it is well known in the art to use a character recognition to recognize characters in an image document (Fig. 1A, item 12; col. 7, lines 2-6). Boguraev suggests at column 12, lines 32-63 that source files may have been created in many formats; however, they must be converted to ASCII-based representation of the internal data format. Therefore, it would have been obvious to one of ordinary skill in the art to add image documents as source files to Boguraev's system and to use the character recognition as taught by Chong et al to recognize characters in the image documents in order to convert character to ASCII-based representation of the internal data format as suggested by Boguraev. Adding image documents as source information would provide an additional source information to Boguraev's system, thereby, improving Boguraev's system.

6. Claims 6-11, 18-23, 30-35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuoc Tran whose telephone number is (703) 305-4861. The examiner can normally be reached on MON-FRI.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo H Boudreau can be reached on (703) 305-4760. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


PHUOC TRAN
PRIMARY EXAMINER